

ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, November 21, 2007 - 3:30 p.m.

PUBLIC HEARINGS - 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Mary Erickson - 651-266-8565 Office of the City Council

Present – 6 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery Absent – 1 – Thune (arrived after the consent agenda)

CONSENT AGENDA (Items 1 - 18)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- Claims of CMR (for Quest), Tim J. Koran, Stephen H. Demulling, Darryl F. Spence, Benjamin M. Schatz, and William A. Sylvester.
 Referred to Risk Management
- 2. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on December 5, 2007 to consider the application of Abway, LLC (ABRA Auto Body) for Interim Use to continue an auto body repair business at 1190 University Avenue West (between Lexington Avenue and Griggs Street). [ZF 07-184-825]
- 3. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on December 5, 2007 to consider the application of NWM HI94, LLC for a Combined Plat for Flannery Addition to create two (2) industrial parcels at 389 Hamline Avenue North (northwest corner at St. Anthony Avenue). [ZF 07-076-549]

- 4. Letter from the Department of Safety and Inspections/Code Enforcement declaring 54 Belvidere Street East as nuisance property. (For notification purposes only; a public hearing will be scheduled at a later date if necessary.)
- 5. Administrative Orders:

D002682 Amending the 2007 Emergency Management budget in the Department of Fire and Safety Services Emergency Management budget.

D002683 Amending the spending plans for Public Works Right-of-Way activity.

On file with the City Clerk

FOR ACTION

6. Approval of minutes of September 19 and 26, 2007.

Adopted Yeas - 6 Nays - 0

7. Resolution – 07-1069 – Approving the Collective Bargaining Agreement between the City and the Saint Paul Fire Supervisory Association, International Association of Firefighters, Local 3939. (Laid over from November 14 for adoption) (GS 3045597)

Adopted Yeas - 6 Nays - 0

8. Resolution – 07-1094 – Accepting a donation in the amount of \$653.00 from the National Trust for Historic Preservation to reimburse the City for costs incurred on behalf of the Trust for the 2007 National Preservation Conference in Saint Paul. (GS 3045802)

Adopted Yeas - 6 Nays - 0

9. Resolution – 07-1095 – Memorializing City Council Action taken October 10, 2007 denying the appeal, with conditions, of University United to a decision of the Planning Commission approving the site plan for two new commercial buildings (a two-story Walgreens with a drive-thru pharmacy window and a Big Top Liquor store) at 1532 University Avenue. [Zoning File 07-048836] (GS 3045836)

Adopted Yeas - 6 Nays - 0

10. Resolution – 07-1096 – Approving the settlement of claims between the City of Saint Paul and Hammel, Green and Abrahamson in the amount of \$50,000.00. (GS 3045973)

Adopted Yeas – 6 Nays – 0

- 11. Resolution 07-1097 Authorizing the Department of Fire and Safety Services to enter into an agreement with Hennepin Technical College to provide credit-based fire protection courses for firefighters and new recruit firefighters. (GS 3044512)

 Adopted Yeas 6 Nays 0
- 12. Resolution 07-1098 Authorizing the Department of Fire and Safety Services to enter into an agreement with the Minnesota State Fair to use a portion of the walkways at the Coliseum for training purposes. (GS 3044551)

 Adopted Yeas 6 Nays 0
- Resolution 07-1099 Approving a 2007 financing and spending plan in the Police Department for the Highway Enforcement of Aggressive Traffic (HEAT) grant. (GS 3044554)
 Adopted Yeas 6 Navs 0

14. Resolution – 07-1100 – Authorizing the Police Department Ordnance Unit to enter into a Joint Powers Agreement with the State of Minnesota to dispose of or neutralize bombs or other similar explosives for other municipalities within the State of Minnesota from July 1, 2007 through June 30, 2009. (GS 3045473)
 Adopted Yeas – 6 Nays – 0

- 15. Resolution 07-1101 Authorizing the Police Department to accept a Safe and Sober grant from the Minnesota Department of Public Safety. (GS 3045146)

 Adopted Yeas 6 Nays 0
- 16. Resolution 07-1102 Authorizing the Police Department to enter into an agreement with the State of Minnesota, Century College, to provide the Police Department with approximately 300 hours of Peace Officers and Standards Training Board (POST) approved training. (GS 3045417)

Adopted Yeas – 6 Nays – 0

17. Resolution – 07-1103 – Approving the application with conditions, per the Legislative Hearing Officer, of Debra and Wayne Anderson, owners, HER Enterprise, Inc., d/b/a Wayne's Auto & Tire, 1581 White Bear Avenue, for an Auto Repair Garage license. (GS 3039610)

Adopted Yeas - 6 Nays - 0

18. Resolution – 07-1104 – Approving the purchase agreement for property at 853 N. Dale Street. (GS 3044182)

Adopted Yeas – 4 Nays – 3 (Benanav, Harris, Lantry)

FOR DISCUSSION

19. Resolution Ratifying Assessment – 07-932 – In the matter of the assessment of benefits, cost, and expenses for the Griggs/Jefferson RSVP Phase I for 2007. [File No. 19031] (GS 3042413) (Laid over from October 3 to December 5; will be recalled on November 21)

Adopted Yeas - 7 Nays - 0

- 20. Consideration of the report of the Administrative Law Judge concerning all licenses held by Hmong American Partnership, d/b/a Hmong American Partnership, 1075 Arcade Street. (Public hearing held and laid over July 18; laid over November 7)
 - Adopted the findings of fact, conclusions of law, and recommendations of the administrative law judge, finding no license violation, and dismissed adverse action. Yeas -7 Nays -0
- 21. Resolution 07-1105 Withdrawing adverse action against all licenses held by Hmong American partnership, 1075 Arcade Street, and imposing amended license conditions. (GS 3046351)

Withdrawn

ORDINANCES

- NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.
- 22. First Reading 07-1106 An ordinance amending Chapter 64 of the Saint Paul Legislative Code to permit the conversion of legal nonconforming billboards to ones with "dynamic displays," i.e., electronic billboards, in exchange for permanently removing traditional billboards, and also to regulate the locations and operating standards for billboards with dynamic displays. (GS 3046312)
 Substitute introduced and laid over to November 28 for second reading Yeas 7
 Nays 0
- 23. First Reading 07-1107 An ordinance amending Chapter 161 of the Saint Paul Legislative Code to permit snow emergency tags to be written by third party vendors and to delete obsolete references to Ramsey County Municipal Court. (GS 3046094)

Laid over to November 28 for second reading

24. First Reading – 07-1108 – An ordinance granting the District Heating Franchise, held by the District Energy St. Paul, Inc. for a period of twenty years, ending in 2027. (GS 3046330)

Laid over to November 28 for second reading

25. First Reading – 07-1109 – An ordinance granting the District Cooling Franchise, held by the District Energy St. Paul, Inc. for a period of twenty years, ending in 2027. (GS 3046332)

Laid over to November 28 for second reading

PUBLIC HEARINGS (public hearings will begin at 5:30 p.m.)

26. Third Reading – 07-1048 – An ordinance amending Chapters 87, 88, 89, 90, 91, 92, and 94 of the Saint Paul Legislative Code pertaining to the rules and regulations of the Board of Water Commissioners to increase fines, revise process for establishing certain charges, and general housekeeping. (GS 3044891) Laid over to November 28 for final adoption

- 27. Third Reading 07-1049 An ordinance amending Chapter 402 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045750)

 Laid over to November 28 for final adoption
- 28. Third Reading 07-1050 An ordinance amending Chapter 403 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045752) **Laid over to November 28 for final adoption**
- 29. Third Reading 07-1051 An ordinance amending Chapter 409 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045751)

 Laid over to November 28 for final adoption
- 30. Third Reading 07-1052 An ordinance amending Chapter 331A of the Saint Paul Legislative Code and creating Section 331A.11 of Chapter 331A to establish a system of administrative enforcement of Food Safety regulations. (GS 3045798) Laid over to November 28 for final adoption
- 31. Third Reading 07-1053 An ordinance amending Chapter 310 of the Saint Paul Legislative Code to include administrative penalties for food code violations. (GS 3045801)

Laid over to November 28 for final adoption

32. Third Reading – 07-1066 – An ordinance amending Chapter 331A.04 of the Saint Paul Legislative Code creating additional classifications of restaurants. (GS 3046099)

Laid over to November 28 for final adoption

33. Resolution – 07-931 – Extending Residential Permit Parking in Area 7 to include Smith Avenue from West Seventh Street to Goodrich Avenue and Goodrich Avenue from Smith Avenue to the dead-end east of Leech Street, and changing all of Permit Area 7 to "No Parking Except by Permit." (Public hearing continued from November 7) (GS 3044090)

Laid over to December 5 for continuation of public hearing Yeas – 6 Nays – 0 (Montgomery not present) 34. Resolution – 07-1110 – Approving the petition of the Church of Saint James to vacate and re-dedicate north/south alley rights in the Randolph Avenue/View Street block in order to slightly reconfigure the property playground equipment. (GS 3045830)

Laid over to December 5 for continuation of public hearing Yeas - 6 Nays - 0 (Montgomery not present)

35. Resolution – 07-1111 – Approving the petition of Parkway Little League to vacate street rights in a portion of Frank and Conway Streets, currently used by Parkway Little League, in order to allow the petitioner to reconfigure existing property. (GS 3045834)

Adopted Yeas – 6 Nays – 0 (Montgomery not present)

- 36. Resolution 07-1112 Authorizing the City to grant a storm water drainage easement to the Minnesota Department of Transportation and to accept compensation for the easement and related restoration work. (GS 3040277)

 Adopted Yeas 7 Nays 0
- 37. Public hearing to consider the appeal of Mr. Galaleldin Hussein to a decision of the Planning Commission denying a conditional use permit for outdoor auto sales at 373 Ruth Street North. [ZF 07-169-078] (Public hearing continued from November 7)

Motion of Intent – Appeal Denied and the Planning Commission's resolution was adopted Yeas - 7 Nays – 0

38. Resolution – 07-1113 – Approving adverse action against the Cigarette/Tobacco license held by Teclemariam Abraham & Amanuel Abraham, d/b/a A&T Market, 381 Minnesota Street. (GS 3043412)

Adopted Yeas - 7 Nays - 0

39. Public hearing to consider the report of the Administrative Law Judge concerning the Restaurant (A) 0-12 Seats license held by Issam Alhuniti, d/b/a Chicago Submarine, 614 Selby Avenue.

Adopted the findings of fact, conclusions of law, and recommendations of the Administrative Law Judge (\$500 fine imposed)

Yeas - 6 Nays - 1 (Thune)

40. Final Order – 07-1114 – In the matter of improving the alley in Michel and Robertson's Addition, Block 9, by grading and paving with bituminous material in the area bounded by James, Palace, Chatsworth, and Milton, and in the matter of condemning and taking an easement in the land necessary for the slopes, cuts and fills, including right of removal of lateral support from subject land or land remainder thereof, occasioned by excavation thereof or construction of slopes in the grading and paving the alley in Michel and Robertson's Addition, Block 9. [File No. 1908] (GS 3044390)

Adopted Yeas – 6 Nays – 0 (Harris not present)

- 41. Resolution 07-1115 Ordering the owner to remove the building(s) at <u>443</u>
 Forest Street within five (5) days from adoption of resolution. (GS 3044560)
 (Legislative Hearing Officer recommends approval)
 Adopted Yeas 7 Nays 0
- 42. Resolution 07-1116 Ordering the owner to remove the building(s) at 1237

 Jackson Street within fifteen (15) days from adoption of resolution. (GS 3044555)

 (Legislative Hearing Officer recommends approval)

 Adopted Yeas 7 Nays 0
- 43. Resolution 07-1117 Ordering the owner to remove the building(s) at <u>448 Page Street East</u> within fifteen (15) days from adoption of resolution. (GS 3044557) (Legislative Hearing Officer recommends approval)

 Adopted Yeas 7 Nays 0
- 44. Resolution 07-1118 Ordering the owner to remove the building(s) at <u>460 Page Street East</u> within fifteen (15) days from adoption of resolution. (GS 3044558)

 (Legislative Hearing Officer recommends approval)

 Adopted Yeas 7 Nays 0
- 45. Resolution 07-1119 Ordering the owner to remove the building(s) at <u>118 Rose Avenue East</u> within fifteen (15) days from adoption of resolution. (GS 3044559) (Legislative Hearing Officer recommends approval) Adopted Yeas 7 Nays 0
- 46. Resolution 07-1120 Ordering the owner to remove the building(s) at <u>947</u>
 <u>Sylvan Street</u> within fifteen (15) days from adoption of resolution. (GS 3044561)
 (Legislative Hearing Officer recommends approval)

 Adopted Yeas 7 Nays 0

- 47. Resolution 07-1121 Ordering the owner to remove or repair the building(s) at 81 Western Avenue South within fifteen (15) days from adoption of resolution.
 (GS 3044556) (Legislative Hearing Officer's recommendation is forthcoming)
 Adopted Yeas 7 Nays 0
- 48. Appeal of James McNeal to a Summary Abatement Order for property at 906

 Thomas Avenue. (Legislative Hearing Officer recommends denying the appeal)

 Appeal Denied Yeas 7 Navs 0
- Appeal of Allen Krenz to a Vehicle Abatement Order, Excessive Consumption, and Correction Notice for property at 1604 Point Douglas Road South.
 (Legislative Hearing Officer recommends denying the appeal on the Correction Notice; granting the appeal on the Excessive Consumption charge; denying the appeal on the Vehicle Abatement Order; and granting an extension to come into compliance by November 23, 2007.)

Approved the recommendation of the Legislative Hearing Office as noted above Yeas - 7 Nays - 0

Proclamation

Councilmember Thune presented a proclamation to John Rea in recognition of John's 60th birthday and in appreciation for his innumerable contributions to the community, and declaring Thursday, November 22, 2007 to be *John Rea Day in the City of Saint Paul*.

Recalled Item:

Resolution – 07-1083 – Approving the application with conditions, per the Legislative Hearing Officer, of Dara Thai Restaurant, 769 Milton Street North, for Wine On Sale, Malt On Sale (Strong), Liquor On Sale-2A.M. closing, and Entertainment B licenses. (GS 3046191)

Adopted November 14; recalled and adopted as amended Yeas – 7 Nays – 0

Suspension Item:

Resolution – 07-1134 – Proclaiming Thursday, December 13, 2007, also known as St. Lucia Day, to be forever known as *Ruby Marie Swanson Day* in the City of Saint Paul.

Adopted Yeas - 7 Yeas - 0

Council Meeting Information

Web

Meetings are available on the Council's Web site. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit http://www.stpaul.gov/council/ for meeting videos and updated copies of the agendas, minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)
